



## **Department of Toxic Substances Control**

Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201



Gray Davis  
Governor

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

### **NOTICE OF DETERMINATION**

TO: Office of Planning and Research  
P. O. Box 3044  
Sacramento, California 95812

FROM: Department of Toxic Substances Control  
Permitting Division  
1011 North Grandview Avenue  
Glendale, California 91201

DATE: May 9, 2002

PROJECT TITLE: Permit Modification for Evergreen Oil, Inc., Newark Facility  
EPA ID Number CAD980887418

STATE CLEARINGHOUSE NUMBER: 1997032020

CONTACT PERSON: Mr. Bill Wahbeh, P.E., R.E.A.  
Director, Environmental Health & Safety  
Evergreen Oil, Inc.  
6880 Smith Avenue, Newark, CA 94560  
(510) 795-4400

PROJECT LOCATION: 6880 Smith Avenue Newark, CA 94560  
Assessor's Parcel Number 092A230001003

#### **PROJECT DESCRIPTION:**

Pursuant to the requirements of California Code of Regulations, title 22, section 66270.42(e), Evergreen Oil, Inc. (EOI) has submitted a request to DTSC to approve a Class 3 Permit Modification request that would allow EOI to continue to conduct activities previously granted in a Temporary Authorization approved by DTSC on December 14, 2000. Activities to be conducted under the approved Class 3 Permit Modification would include the following:

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

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- Increase the design process capacity for used oil from 17 to 30 gallons per minute. This change does not involve any modifications to the existing piping or ancillary equipment
- Remove the restrictions on the water content of used oil
- Authorization to receive, store in tank 501 D, and ship off-site antifreeze containing Ethylene Glycol
- Authorize the inclusion of the Mohawk Treatment in the re-refining process. (The Mohawk Treatment is a proprietary process and involves the addition of sodium hydroxide to the used oil in the re-refining section to ensure pipe and equipment maintenance.)

The approval of this Permit Modification by DTSC is considered a discretionary decision subject to the environmental impact review process under the California Environmental Quality Act (CEQA).

### Background:

EOI owns and operates a used oil re-refining facility in the City of Newark, California. The 7 acre project site is zoned MG (General Industrial) and is located within an urbanized area surrounded by industrial use. The EOI facility was built in 1985 on a previously undeveloped parcel, and since 1986 has been operated as a hazardous waste treatment and storage facility. EOI accepts used oil at this facility. Wastes received at the facility are treated, stored and /or shipped offsite.

To assess the potential environmental impacts associated with this decision pursuant to CEQA, DTSC reviewed and took into consideration the conclusions reached in the Final Negative Declaration for a Proposed Upgrade and Expansion of an Oil Recycling Operation (Evergreen Oil), approved by the City of Newark on March 3, 1997, and other supporting documentation.

### Findings:

Based upon a review of all relevant CEQA documents and supporting information, and acting in its capacity as a Responsible Agency under CEQA, DTSC has determined

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that the activities proposed in the Class 3 Permit Modification would not result in a significant effect on the environment.

In accordance with the requirements of CEQA, this Notice of Determination is filed in compliance with section 21108 of the Public Resources Code. DTSC, as a Responsible Agency, approved the above described project on May 9, 2002

Copies of the Class 3 Permit Modification, EOI's application for Class 3 Permit Modification, the City of Newark's 1997 Final Negative Declaration and supporting information may be reviewed at the following location:

Department of Toxic Substances Control  
Permitting Division  
1011 North Grandview Avenue  
Glendale, California 91201

**Original Signed by Jose Kou on 5/9/2002**

Jose Kou, Chief  
Southern California Permitting Branch

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Date

Date received for filing at OPR: